

Serial No.: 09/852,994

### **REMARKS**

Claims 1, 2, 4-7, 10 and 14-18 are pending in the application upon entry of this amendment. Claims 3, 8, 9 and 11-13 have been canceled and replaced with claims 15-18. Favorable reconsideration of the application, as amended, is respectfully requested.

#### **I. ALLOWABLE SUBJECT MATTER**

Applicants acknowledge with appreciation the indicated allowability of claim 9 subject to being amended to independent form.

#### **II. CLAIM AMENDMENTS**

The Advisory Action mailed on October 15, 2003 indicates that claim 1 as amended in the response filed on September 29, 2003 was not allowable. Specifically, the Examiner indicated that Yu et al. was not overcome by the added feature of "limiting means comprising an isolation layer whose lateral extension is wider than the laser's waveguide ridge" from allowable claim 9.

Accordingly, claim 1 is further amended herein to recite both features of allowable claim 9. Namely, claim 1 is amended to refer to the limiting means as including an isolation layer whose lateral extension is (i) wider than the laser's waveguide ridge, but (ii) smaller than said metallization's lateral extension.

For at least the above reasons, claim 1 is believed to be allowable for at least the same reasons as claim 9. Dependent claims 4-7, 10 and 14 are amended herein to eliminate redundancy and to provide proper dependency. In addition, claim 6 has been split into two dependent claims, namely claim 6 and new claim 15.

Dependent claims 16-18 are provided to round out the dependent claim coverage. Support for claim 16 may be found, for example, at page 8, lines 4-7 of the specification. Claim 17 is supported, for example, by Figs. 1, 3 and 4 and the corresponding description (e.g., p. 7, Ins. 23-29). Support for claim 18 can be found, for example, in Fig. 3 and the corresponding description (e.g., p.8, Ins.1-3). No new matter has been added.

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**III. REJECTION OF CLAIMS 1-7 AND 14 UNDER 35 USC §102(e)**

Claims 1-7 and 14 stand rejected under 35 USC §102(e) based on *Yu et al.* Withdrawal of the rejection is respectfully requested for at least the following reasons.

As noted above, claim 1 has been amended to incorporate relevant features of allowable claim 9. Specifically, amended claim 1 recites "*limiting means comprising an isolation layer whose lateral extension is wider than the laser's waveguide ridge, but smaller than said metallization's lateral extension*".

*Yu et al.* describes the use of three-current blocking layers, each of which is congruent to the overlaying metal layer. *Yu et al.* does not teach or suggest an isolation layer whose lateral extension is wider than the laser's waveguide ridge but smaller than the metallization's lateral extension as recited in amended claim 1.

Accordingly, withdrawal of the rejection of claim 1 together with dependent claims 2-7 and 14 is respectfully requested.

**IV. REJECTION OF CLAIM 10 UNDER 35 USC §103(a)**

Claim 10 stands rejected under 35 USC §103(a) based on *Yu et al.*

Claim 10 depends from claim 1, and may be distinguished over *Yu et al.* for at least the same reasons recited above. Withdrawal of the rejection is respectfully requested.

**V. INFORMATION DISCLOSURE STATEMENT**

Filed previously with Applicants' non-entered Supplemental Reply to Office Action was an Information Disclosure Statement submitting references recently cited in a corresponding European application.

The features of claim 1, as amended, are neither taught nor suggested in the newly cited references. In particular, none of the references teach or suggest an injection limiting means comprising an isolation layer whose lateral extension is wider than the laser's waveguide ridge, but smaller than the metallization's lateral extension.

Thus, the newly cited references do not adversely affect the allowability of amended claim 1.

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## VI. CONCLUSION

Accordingly, all claims are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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